

REMARKS

Claims 1-66 are pending.

Initially, Applicant acknowledges with appreciation the courtesies extended to his representative, Eric Robins, for the interview of November 18, 2006. Therein, it was discussed how the present invention differs from the cited art. Specifically, according to the present invention, *producers* use a software system to order *component parts*, which component parts are delivered to the producers. The producers then manipulate the component parts to form *composite products*. It is these composite products which are then transferred to *end users*.

The Examiner noted that online internet websites¹, such as Ikea, allow customers to select characteristics, such as style and color, of products. Parts for construction of the products are then sent to the customer for the customer to assemble the products. In contrast, as explained during the interview, the system of the present invention allows a producer to place orders for the parts. The parts are then shipped to the producer. The producer constructs the product, and then transfers the product to the final customer, where the final customer is not the producer. Thus, the present invention is very different from the "Ikea system."

The claims have been amended to more clearly distinguish the present invention from the cited art. These features are supported throughout the specification, for example, in the original claims and page 1, first paragraph. No new matter has been added.

Claims 1, 5-7, 26, 32 and 63 stand rejected under 35 USC § 102(e) as allegedly being anticipated by Carlin (U.S. Published Patent Application No. 2002/009358). Again, Applicant respectfully submits this reference does not qualify as prior art for the subject matter relied upon by the Office Action. As previously explained, Carlin is only art under 35 USC § 102(e) against the present claims for subject matter it shares with U.S. Patent Application No. 09/643,507. The Office Action states, because Figure 3 is present in both Carlin and the '507 Application, Carlin teaches the claimed features.

However, Figure 3 of the '507 application discloses very few, if any, of the features of the

¹ Applicant respectfully submits that no prior art reference describing the "Ikea system" is of record. Therefore, if the Examiner wishes to rely on the "Ikea system" as anticipating or forming part of a *prima facie* case of obviousness, she is invited to do so in a subsequent non-final Office Action.

present claims. For example, while Figure 3 does contain seven process steps in a flow-chart type arrangement, the Figure does not teach or suggest the (1) distributing, (2) transmitting, (3) receiving, or (4) invoicing steps of claim 1. As Figure 3 fails to teach or suggest any of the features of present claim 1, it is not understood how Figure 3 can be said to anticipate present claim 1. Similarly, present claim 26 additionally includes a payment step. Figure 3 does not relate at all to any type of payment. Therefore, claim 26 *cannot be* anticipated by Figure 3.

Claim 60 (and claims 61-63 depending therefrom) recites a system by which component parts are delivered to a producer, whereby the producer can produce a composite product from the component parts. First, Figure 3 of the reference discusses nothing of the sort. Moreover, neither Figure 3, nor any other description in Carlin or the '507 application teaches or suggests such a feature. Although the user can select component parts, it is the composite product, e.g., couch, or other furnishing, that is delivered to the user *pre-assembled* via the system of the reference. Thus, a producer of the system of Carlin would not assemble a composite part from component products. There is also neither a teaching nor suggestion in Carlin, nor any cited reference to modify the system of Carlin to achieve the presently claimed invention. Reconsideration is therefore, respectfully requested.

Claims 2-4, 8-25, 27-59 and 61 stand rejected under 35 USC § 103(a) as allegedly being unpatentable over Carlin in view of "well known facts." Initially, Applicant does not acquiesce to the assertion that any statements in the Office Action constitute "well known facts." As "well known facts" without reliable documentary evidence are not prior art under 35 USC § 102, should any subsequent Office Action rely on such "well known facts," Applicant respectfully requests such "well known facts" be established by reliable documentary evidence that constitutes prior art under 35 USC § 102. In any event, as such "well known facts" do not cure the deficiencies of Carlin alone, as explained above, Applicant respectfully submits that the combination of the "well known facts" with the teachings of Carlin fails to establish a *prima facie* case of obviousness. Moreover, even if such "well known facts" were demonstrated by proper prior art, the Office Action as failed to establish why one of ordinary skill in the art would have been motivated to modify the system of Carlin to achieve the presently claimed invention.

Essentially, the claimed invention provides for a method consisting of a first party providing a second party with software enabling the second party to present an image of a composite product such as a set of kitchen cabinets to a third party consisting of a prospective purchaser of such kitchen cabinets, program a machine such as a router for fabricating components of such kitchen cabinets such as the frames, walls and tops thereof, ordering components of such kitchen cabinets such as doors, drawer fronts, drawer slides, pulls, handles and the like; the second party producing a first set of such components through the use of the software and ordering a second set of such components from the first party by use of the software; the first party placing orders for such second set of components with fourth parties with instructions to such fourth parties to deliver such second set of components to such second party; such first party invoicing the second party for the sale of the second set of components and then paying the fourth parties for such second set of components, such second party assembling such first and second sets of components to build a set of kitchen cabinets, and such second party delivering such finished cabinets to the third party. The cited reference neither teaches nor suggests such process steps.

In view of the foregoing, it respectfully is requested that the rejection of applicant's claims be withdrawn, such claims be allowed and that the application be passed to issue.

Respectfully submitted,



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